

EXHIBIT A

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113CASE NO.
CV16872581

D1 FX

SUMMONS NO.
30881894

Rule 4 (B) Ohio

Rules of Civil
ProcedureMATTHEW L. ALDEN
VS

PLAINTIFF

MERCANTILE ADJUSTMENT BUREAU, LLC

DEFENDANT

SUMMONS

MERCANTILE ADJUSTMENT BUREAU, LLC
C/O NATIONAL REGISTERED AGENTS, INC.
1300 EAST NINTH STREET
CLEVELAND OH 44114

You have been named defendant in a complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Said answer is required to be served on:

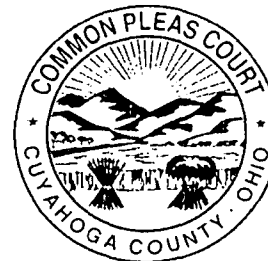


Plaintiff's Attorney

PAUL S. KUZMICKAS
2012 WEST 25TH STREET

UNITED BANK BUILDING SUITE 701
CLEVELAND, OH 44113-0000

Case has been assigned to Judge:

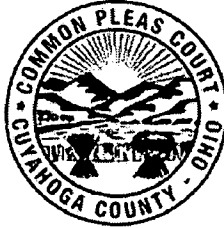
DAVID T MATIA
Do not contact judge. Judge's name is given for attorney's reference only.NAILAH K. BYRD
Clerk of the Court of Common PleasDATE
Dec 5, 2016

By

Deputy

COMPLAINT FILED 12/01/2016





NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed:
December 1, 2016 21:31

By: PAUL S. KUZMICKAS 0076507

Confirmation Nbr. 924922

MATTHEW L. ALDEN

CV 16 872581

VS.

MERCANTILE ADJUSTMENT BUREAU, LLC

Judge: DAVID T. MATIA

Pages Filed: 18

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
CIVIL DIVISION

Matthew L. Alden
Suite 701
2012 W. 25th Street
Cleveland, Ohio 44113,

Plaintiff,

v.

Mercantile Adjustment Bureau, LLC
c/o National Registered Agents, Inc.
1300 East Ninth Street
Cleveland, Ohio 44114

Defendant.

)
) Case No.:
)
) Judge:
)
)

) **COMPLAINT WITH DISCOVERY**
) **ATTACHED FOR MONEY DAMAGES**
) **AND INJUNCTIVE RELIEF**

) **JURY DEMAND ENDORSED HEREON**
)
)
)

For his complaint against the defendant, Mercantile Adjustment Bureau, LLC, plaintiff Matthew L. Alden ("Alden") states as follows:

Preliminary Statement

1. This is an action for actual, statutory and punitive damages brought by Alden against Mercantile Adjustment Bureau, LLC for its violations of the Fair Debt Collection Practices Act, and the Ohio Consumer Sales Practices Act in connection with its unlawful collection activity involving the plaintiff.

Jurisdiction And Venue

2. This Court has jurisdiction over this matter pursuant to Oh. Rev. Code § 1345.04, 15 U.S.C. §1692k(d), and Oh. Rev. Code § 2305.01. Venue in this county is proper because Mercantile Adjustment Bureau, LLC transacts business in this county and the conduct complained of occurred in this county.

Parties

3. Alden is an adult individual presently residing in Cuyahoga County, Ohio and is a “consumer” as that term is defined in the Fair Debt Collection Practices Act, and the Consumer Sales Practices Act.

4. Mercantile Adjustment Bureau, LLC is a debt collector for defaulted consumer credit accounts owed to third parties. Mercantile Adjustment Bureau, LLC is not a lender and is not a creditor.

5. Mercantile Adjustment Bureau, LLC is a New York for-profit corporation headquartered in Williamsville, New York.

Background

6. On November 30, 2016, Alden received 3 collection letters from Mercantile Adjustment Bureau, LLC.

7. True and accurate copies of the letters are attached to this complaint as Exhibit A.

8. Mercantile Adjustment Bureau, LLC's 3 collection letters falsely claim that Alden is responsible for payment on 3 Bank of America accounts.

9. Alden has no accounts with Bank of America and is not in default on any accounts with Bank of America.

10. Alden has not requested credit from or otherwise initiated any business relationship with either Mercantile Adjustment Bureau, LLC or Bank of America for any of the accounts listed.

11. After a reasonable time to conduct discovery, Alden believes he can prove that all actions taken by Mercantile Adjustment Bureau, LLC as described in this complaint were taken willfully, with the desire to collect money from Alden that he did not owe, with knowledge that the actions were taken in violation of the law and with reckless disregard for plaintiff's rights.

12. The conduct has been the producing and proximate cause of past, present and future mental distress and emotional anguish stemming from the ongoing unlawful collection activity at a time when Alden is attempting to secure credit to purchase a home and other damages that will be presented to the jury.

13. Alden reasonably fears that, absent this Court's intervention, Mercantile Adjustment Bureau, LLC will:

- a. continue to illegally attempt to collection on debts he does not owe;
- b. ultimately attempt to seek payment from him on debts he does not owe; and
- c. ultimately cause harm to his credit or otherwise harm him economically.

14. Because of the actions taken by Mercantile Adjustment Bureau, LLC in conducting collection activity that lacked any legitimate purpose, Alden was forced to hire an attorney and his damages include reasonable attorney fees incurred in pre-suit representation and prosecuting this case.

15. Because of the actions taken by Mercantile Adjustment Bureau, LLC, Alden is entitled to statutory damages, punitive damages and all other appropriate measures to punish and deter similar future illegal practices by Mercantile Adjustment Bureau, LLC.

Claim No. 1: Violations of the Federal Fair Debt Collection Practices Act

16. All prior paragraphs are incorporated into this claim by reference.

17. Alden is a "consumer" as defined by the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692a(3).

18. Mercantile Adjustment Bureau, LLC is a "debt collector" as defined by the FDCPA at 15 U.S.C. §1692a(6) because Mercantile Adjustment Bureau, LLC regularly uses the instrumentalities of interstate commerce to collect debts that are in default and for which

Mercantile Adjustment Bureau, LLC was not the original lender.

19. Upon information and belief, the account that Mercantile Adjustment Bureau, LLC was trying to collect from Alden was a debt that arose out of a transaction which was primarily for personal, family or household purposes as defined by the FDCPA at 15 U.S.C. §1692a(5).

20. Mercantile Adjustment Bureau, LLC misrepresented the character of the debt and the legal status of the debt in violation of 15 U.S.C. §1692e(2)(A) because Alden does not owe any money to Bank of America.

21. Mercantile Adjustment Bureau, LLC made false and misleading representations prohibited by 15 U.S.C § 1692e by falsely claiming Alden is liable for the debts owed to Bank of America.

22. Mercantile Adjustment Bureau, LLC engaged in unfair, unconscionable, and deceptive practices in violation of 15 U.S.C. §1692f by attempting to collect on a debt Alden does not owe.

23. As a direct and proximate result of Mercantile Adjustment Bureau, LLC's violations of the Fair Debt Collection Practices Act, Mercantile Adjustment Bureau, LLC is liable to Alden in the sum of Alden's actual damages, statutory damages, costs, and attorneys' fees, an amount which exceeds \$25,000.00.

Claim 2: Violations of the Ohio Consumer Sales Practices Act

24. All prior paragraphs are incorporated into this claim by reference.

25. Alden is a "consumer" as defined by the Ohio Consumer Sales Practices Act, Oh. Rev. Code § 1345.01(D).

26. Mercantile Adjustment Bureau, LLC is a "supplier" as defined by the Consumer Sales Practices Act, Oh. Rev. Code §1345.01(C).

27. Mercantile Adjustment Bureau, LLC is directly engaged in the business of effecting

“consumer transactions”.

28. Mercantile Adjustment Bureau, LLC collects defaulted consumer debts in Ohio and nationwide.

29. Alternatively, Mercantile Adjustment Bureau, LLC was directly engaged in the business of effecting “consumer transactions” such the purported unsecured, defaulted debt owed on the Bank of America accounts.

30. Mercantile Adjustment Bureau, LLC committed unfair, deceptive and unconscionable acts or practices in violation of Oh. Rev. Code §§ 1345.02(A) and/or 1345.03(A) of the Consumer Sales Practices Act including attempting to collect on a debt that Mercantile Adjustment Bureau, LLC knew or should have known that Alden did not owe.

31. Such acts and practices have been previously determined by Ohio courts to violate the Consumer Sales Practices Act, Oh. Rev. Code §§ 1345.01 to 1345.99.

32. Mercantile Adjustment Bureau, LLC committed the violations after such decisions were available for public inspection pursuant to Oh. Rev. Code § 1345.05(A)(3).

33. Specifically, the following cases have held that similar unfair and deceptive acts and practices violate the Ohio Consumer Sales Practices Act: *In The Matter of United Collection Bureau, Inc.*, State Of Ohio, Office of the Attorney General Consumer Protection Section, Docket No.: 36490 (August 12, 2010) (PIF # 10002890) and *Becker v. Montgomery, Lynch* (N.D. Oh. 2003), Case No.: 1:02 CV 874 (PIF#1002153).

34. Additionally, under well-settled Ohio law, a violation of the Fair Debt Collection Practices Act is also a violation of the Consumer Sales Practices Act. *Becker v. Montgomery, Lynch* (N.D. Oh. 2003), Case No.: 1:02 CV 874 (PIF#1002153).

35. Mercantile Adjustment Bureau, LLC knowingly committed the unfair, deceptive, and

unconscionable acts and practices.

36. As a direct and proximate result of Mercantile Adjustment Bureau, LLC's unfair, deceptive, and unconscionable acts and practices, Alden has been damaged in amounts to be proven at trial in excess of \$25,000.00.

37. Mercantile Adjustment Bureau, LLC's actions in this matter have been willful and malicious or have been undertaken with such reckless disregard of Alden's rights that malice may be inferred, subjecting Mercantile Adjustment Bureau, LLC to liability for punitive damages in an amount in excess of \$25,000.00.

Prayer For Relief

Wherefore, plaintiff Matthew L. Alden prays for judgment against defendant Mercantile Adjustment Bureau, LLC as follows:

- A. For an amount of money in excess of \$25,000.00 equal to Alden's actual damages, statutory damages pursuant to 15 U.S.C. §1692k, and his costs and attorney fees pursuant to 15 U.S.C. §1692k;
- B. Money damages equal to 3 times Alden's actual damages or \$200.00 for each unlawful act specified, whichever is greater, pursuant to Oh. Rev. Code §1345.09(B);
- C. For punitive damages in amounts to be proven at trial in excess of \$25,000.00;
- D. For an amount of money equal to the costs of this action and Alden's reasonable attorneys' fees pursuant to Oh. Rev. Code §1345.09(F)(2);
- E. For an order declaring that Mercantile Adjustment Bureau, LLC engaged in acts and practices in violation of the Ohio Consumer Sales Practices Act;
- F. For a permanent injunction enjoining Mercantile Adjustment Bureau, LLC and its agents, servants, employees, successors or assigns, and all persons acting in concert and participation

with them, directly or indirectly, through any corporate device, partnership, or other association, under this or any other name, from engaging in the acts and practices described in this complaint in the State of Ohio until complying with the laws of the State of Ohio and satisfaction of any monetary obligations to Alden;

- G. For Pre-judgment and post-judgment interest; and
- H. All other legal or equitable relief to which plaintiff may be entitled.

Respectfully submitted,

/s/ Paul S. Kuzmickas
Paul S. Kuzmickas (0076507)
Luftman, Heck & Associates LLP
2012 West 25th Street, Suite 701
Cleveland, Ohio 44113-4131
Phone: 216-586-6600
Fax: 216-539-9326
pkuzmickas@lawlh.com
Counsel for plaintiff Matthew L. Alden

Demand For A Jury Trial

Pursuant to Oh. R. Civ. P. 38, plaintiff demands a trial by jury on all issues of fact.

/s/ Paul S. Kuzmickas
Paul S. Kuzmickas (0076507)

Creditor:	Bank of America, N.A.
Account Number:	*****9928
Previous Account Number:	*****3007
Reference Number:	26699757 B00
Current Balance:	\$3,234.69
Amount Enclosed: \$	

11/23/2016


MERCANTILE
Innovative Solutions, Exceptional Results

165 Lawrence Bell Drive, Suite 100
Williamsville, NY 14221-7900
1-855-226-1872

Please send payment or correspondence to:
Mercantile Adjustment Bureau, LLC
PO Box 9055
Williamsville NY 14231-9055

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

Matthew Alden,

Date: 11/23/2016

Bank of America has placed the above account with Mercantile Adjustment Bureau, LLC to initiate collection to recover the current balance due as noted above.

We are available to work with you to help you satisfy the debt in a manner that is fair and equitable to all parties. Our account representatives are ready to assist you.

Sincerely,

Shawn Martin

Phone Number: 1-855-226-1872

Creditor:	Bank of America, N.A.
Account Number:	*****8545
Previous Account Number:	*****0686
Reference Number:	26698788 B00
Current Balance:	\$5,105.28
Amount Enclosed: \$	

11/23/2016


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165 Lawrence Bell Drive, Suite 100
Williamsville, NY 14221-7900
1-855-226-1872

Please send payment or correspondence to:
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PO Box 9055
Williamsville NY 14231-9055

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

Date: 11/23/2016

Matthew Alden,

Bank of America has placed the above account with Mercantile Adjustment Bureau, LLC to initiate collection to recover the current balance due as noted above.

We are available to work with you to help you satisfy the debt in a manner that is fair and equitable to all parties. Our account representatives are ready to assist you.

Sincerely,

Shawn Martin

Phone Number: 1-855-226-1872

Exhibit A**Page 1 of 2**

Creditor:	Bank of America, N.A.
Account Number:	*****4473
Previous Account Number:	*****5215
Reference Number:	26700858 B00
Current Balance:	\$6,572.56
Amount Enclosed: \$	

11/23/2016



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Williamsville, NY 14221-7900
1-855-226-1872

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Mercantile Adjustment Bureau, LLC
PO Box 9055
Williamsville NY 14231-9055

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

Date: 11/23/2016

Shaw Alden,

Bank of America has placed the above account with Mercantile Adjustment Bureau, LLC to initiate action to recover the current balance due as noted above.

We are available to work with you to help you satisfy the debt in a manner that is fair and equitable to all parties. Our account representatives are ready to assist you.

Sincerely,

John Martin

Phone Number: 1-855-226-1872

Exhibit A

Page 2 of 2